

ASSEMBLY BILL

No. 461

Introduced by Assembly Member Shirley Horton

February 15, 2005

An act to add Section 148.1 to the Streets and Highways Code, and to amend Section 21650 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 461, as introduced, Shirley Horton. Bus-on-shoulder demonstration program.

Existing law provides that the Department of Transportation has full possession and control of state highways and associated property. Existing law authorizes certain local agencies to operate HOT lane demonstration projects on state highways. Existing law generally requires vehicles to be driven on the right half of a roadway, which is defined to mean that portion of a highway improved, designed, or ordinarily used for vehicular travel.

This bill would authorize the San Diego Association of Governments (SANDAG), in conjunction with the department, to conduct a transit bus-only demonstration program using the shoulders of State Highway Routes 52 and 805 in San Diego County. The program would designate segments of each freeway where it is appropriate to use shoulders as transit bus-only traffic corridors, with the segments to be determined jointly by the department and SANDAG based upon peak congestion hours and the most heavily congested areas. The program would be limited to 6 transit buses per shoulder segment on a weekday. The bill would require the department and SANDAG to report to the Legislature by January 1, 2010. The bill would add a conforming change to the Vehicle Code.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 148.1 is added to the Streets and
2 Highways Code, to read:

3 148.1. (a) Notwithstanding any other provision of law, the
4 San Diego Association of Governments (SANDAG) may
5 conduct a transit bus-only demonstration program using the
6 shoulders of State Highway Routes 52 and 805 in San Diego
7 County, in conjunction with the department. The program shall
8 designate segments of each freeway where it is appropriate to
9 designate shoulders as transit bus-only traffic corridors, with the
10 segments to be determined jointly by the department and
11 SANDAG based upon peak congestion hours and the most
12 heavily congested areas. Under the program, not more than six
13 transit buses shall be authorized to use each designated shoulder
14 segment on each workday, and a transit bus may only divert to
15 the authorized shoulder segment when the actual mainline traffic
16 speed on the adjacent freeway is less than 35 miles per hour. The
17 maximum speed of a transit bus operating on a shoulder shall not
18 exceed 35 miles per hour. Buses shall be required to reenter
19 mainline traffic if a public safety vehicle is in need of access to
20 the shoulder.

21 (b) The department and SANDAG shall monitor the state of
22 repair of freeway shoulders used in the demonstration program,
23 and SANDAG shall be responsible for the costs of any necessary
24 repairs attributable to the operation of transit buses on the
25 shoulders.

26 (c) The demonstration project may commence operation as
27 soon as practicable after January 1, 2006. The department and
28 SANDAG shall report to the Legislature on or before January 1,
29 2010, on the operation of the project.

30 SEC. 2. Section 21650 of the Vehicle Code is amended to
31 read:

32 21650. Upon all highways, a vehicle shall be driven upon the
33 right half of the roadway, except as follows:

34 (a) When overtaking and passing another vehicle proceeding
35 in the same direction under the rules governing that movement.

1 (b) When placing a vehicle in a lawful position for, and when
2 the vehicle is lawfully making, a left turn.

3 (c) When the right half of a roadway is closed to traffic under
4 construction or repair.

5 (d) Upon a roadway restricted to one-way traffic.

6 (e) When the roadway is not of sufficient width.

7 (f) When the vehicle is necessarily traveling so slowly as to
8 impede the normal movement of traffic, that portion of the
9 highway adjacent to the right edge of the roadway may be
10 utilized temporarily when in a condition permitting safe
11 operation.

12 (g) This section does not prohibit the operation of bicycles on
13 any shoulder of a highway, where the operation is not otherwise
14 prohibited by this code or local ordinance.

15 *(h) This section does not prohibit the operation of a transit bus*
16 *on the shoulder of a highway at a speed not to exceed 35 miles*
17 *per hour in conjunction with the implementation of a*
18 *demonstration program authorized pursuant to Section 148.1 of*
19 *the Streets and Highways Code on State Highway Routes 52 and*
20 *805 in San Diego County.*